

REMARKS/ARGUMENTS

Amendments

The specification is amended to correct the page numbering and several oversights that are grammatical, clerical or typographical in nature.

Claims 1-20 were pending. In this amendment, claims 1, 5, 7, 13, and 16 are amended; claims 4, 10, 15, and 17 are cancelled; and new claims 21-27 are submitted for entry and examination. Therefore, claims 1-3, 5-9, 11-14, 16, and 18-27 remain pending. No new matter is added by these amendments.

Drawings

Figs. 4, 7A, 9, and 12 have been amended in the interests of furthering prosecution. Redline versions of Figs. 7A and 12 are provided to accentuate the changes therein.

Fig. 4 has been modified to change the IP addresses and the domain names to artificial non-existent values. Fig. 7A has been modified to add a "complete" box at the end of the "Yes" arrow. Fig. 9 has been modified to change the IP addresses and the domain names to artificial non-existent values. Fig. 12 has been modified to change the IP addresses and the domain names to artificial non-existent values.

A description of Fig. 5F is added to the detailed description section of the application in a manner fully supported by the drawing such that no new matter is added to the application.

35 U.S.C. §102 Rejection, Pace et al.

The Examiner rejected claims 1-14, 16-18 and 20 under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,460,050 to Pace et al. (hereinafter "Pace"). Reconsideration in view of the following remarks is respectfully requested.

I. Claims 1-3, 6

Pace fails to anticipate claim 1 because Pace fails to disclose or suggest each element of claim 1. For example, claim 1 recites, among other elements, "*determining if a character count of the first electronic text communication exceeds a first threshold*" and

"*choosing a fingerprint algorithm based upon the step of determining if the character count of the first electronic text communication exceeds the first threshold.*" In the Office Action, the Examiner asserts that Pace's analyzing the frequency of particular letters or words (citing to column 6 line 2 to column 7 line 4 of Pace) anticipates the determining if a character count exceeds a first threshold and choosing a fingerprint algorithm based upon the character count in claim 1, formerly in claim 4.

In col. 6, line 38, Pace states that "the algorithm can analyze messages for the frequency of particular letters or words" in order to determine if a message is spam. Pace does not describe how this determination is done, but Pace does say that this method would substitute for the method of using the frequency of an e-mail to determine if it is spam. See col. 6 lines 35-41. Presumably, if a particular word or letter occurred in a message with sufficient frequency, then it would be deemed spam. The character count of a message is not actually determined, and thus a determination of whether the character count exceeds a threshold would not be anticipated. Furthermore, there is no mention of choosing a fingerprint algorithm based on the determination.

For at least the reasons stated above, Applicants submit that claim 1 is allowable over the cited references. As claim 1 is allowable, claims 2-3 and 6 dependent therefrom are also allowable for at least that reason.

II. Claims 5, 21-23

Pace fails to anticipate claim 5 because Pace fails to disclose or suggest each element of claim 5. For example, claim 5 recites, among other elements, "*wherein a match is determined from the comparing step even if the first fingerprint and the second fingerprint differ by a percentage.*" The Examiner asserts that Pace's matching of a characteristic of other identifiers (column 2 lines 30-56 and column 6 lines 2-17) anticipates determining a match in the comparing step even if the first fingerprint and the second fingerprint differ by a percentage.

In col. 2, lines 30-56, Pace describes a method for identifying a characteristic of a data file, where the method comprises a step of determining whether the forwarded identifier matches a characteristic of other identifiers. The proper interpretation of "match" in Pace is the

usual meaning, which is "to correspond exactly." Pace continues to use the word "match" without qualifying it in any manner (e.g. col. 6, line 8). Thus, Pace does not teach or suggest a match even if two fingerprints differ by a percentage.

For at least the reasons stated above, Applicants submit that claim 5 is allowable over the cited references. As claim 1 is allowable, claims 21-23 dependent therefrom are also allowable for at least that reason.

III. Claims 7-9, 11-12

Claim 7 recites similar features as recited for claim 1, and thus claim 7 and its dependent claims 8, 9, 11, and 12 should be allowable for at least similar reasons as claim 1.

IV. Claims 16, 24-27

Claim 16 recites similar features as recited for claim 1, and thus claim 16 and its dependent claims 24-27 should be allowable for at least similar reasons as claim 1.

35 U.S.C. §103 Rejection, Pace et al. in view of Cotten et al.

The Examiner rejected claims 15 and 19 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,460,050 to Pace et al. (hereinafter "Pace") in view of the cited portions of U.S. Patent No. 6,330,590 to Cotten et al. (hereinafter "Cotten"). Claim 13 has been amended to include the limitation previously found in claim 15. Reconsideration in view of the following remarks is respectfully requested.

I. Claims 13-14, 18-20

Claim 13 is allowable over Pace and Cotten, alone or in combination, as those references fail to disclose or suggest all the elements of claim 13. For example, claim 13 recites, among other elements, "*removing non-textual information from the electronic text communication.*" The Examiner asserts that Cotten's eliminating the personalization and addressing portions of an e-mail (column 2 lines 16-27) discloses removing non-textual information from the electronic text communication.

In col. 2 lines 22-24, Cotton describes "eliminating the personalization and addressing portions and processing the remaining text to establish a signature identification code." Since "portion" means "a part of a whole", the use of "remaining" identifies the personalization and addressing portions as text. Therefore, Cotton directs its reader to a step that involves removing particular textual information. Cotton does not disclose the removal of non-textual information from an electronic text communication. Claim 13 recites removing non-textual information, and Applicants submit that the distinction is nonobvious.

For at least the reasons stated above, Applicants submit that claim 13 is allowable over the cited references. As claim 13 is allowable, claims 14 and 18-20 dependent therefrom are also allowable for at least that reason.

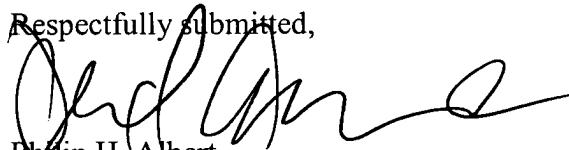
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Dated: 7/23/04

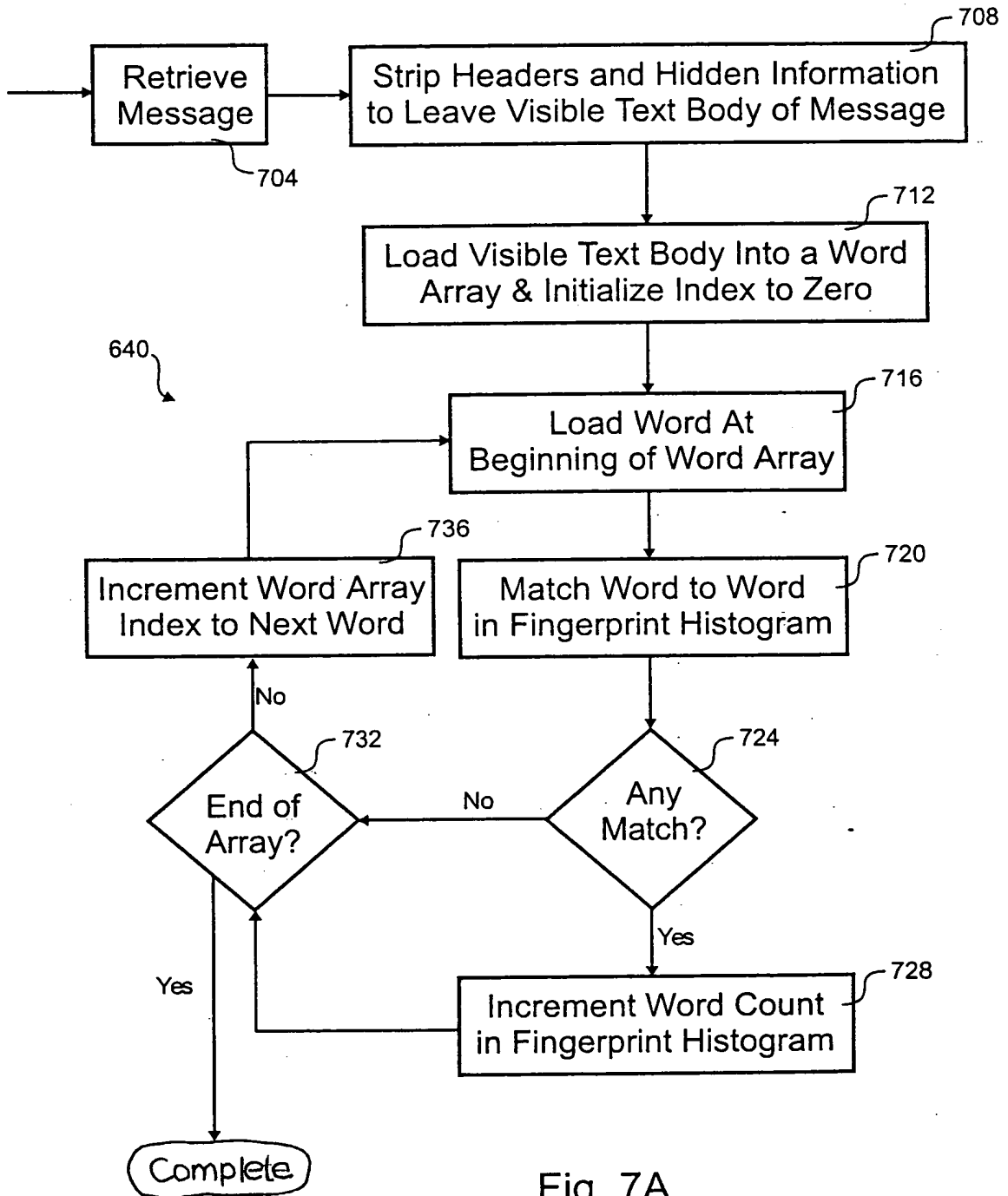
Respectfully submitted,


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(Annotated Sheet Showing Changes)





(Annotated Sheet Showing Changes)

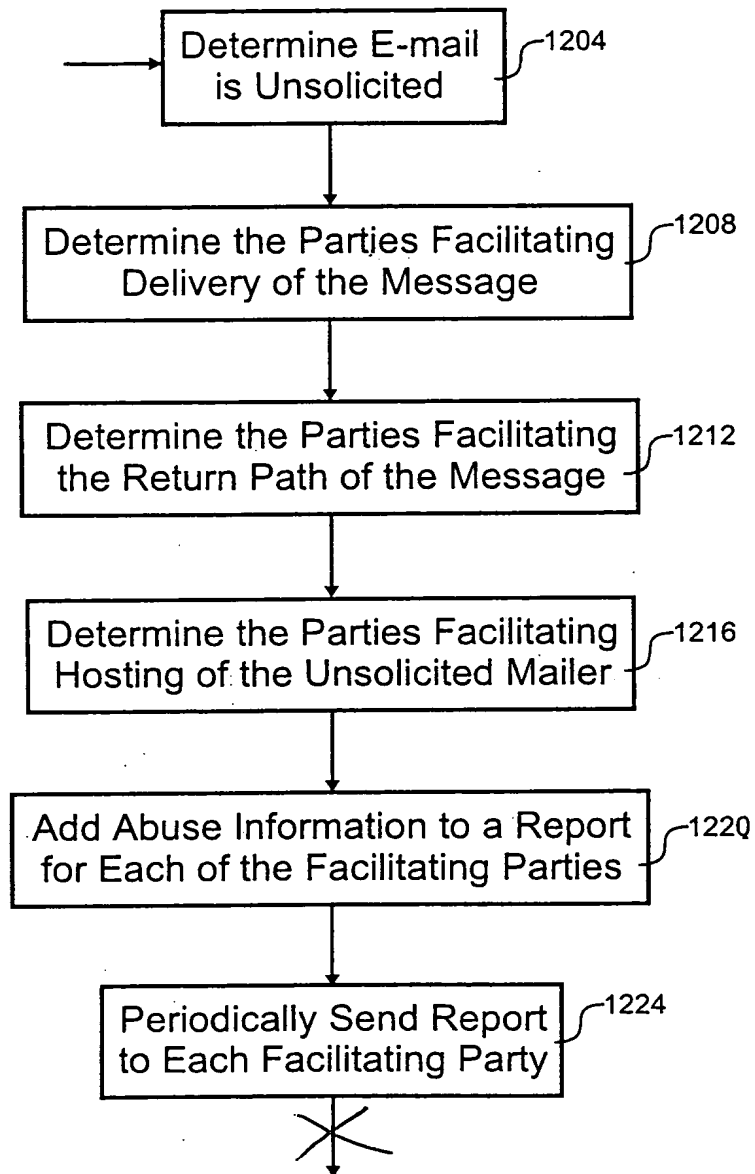


Fig. 12